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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. T09-0020
BNSF RAILWAY COMPANY,)
)
Petitioner,)
)
v.)
)
STATE OF ILLINOIS, DEPARTMENT)
OF TRANSPORTATION, AND CITY OF)
GALESBURG, ILLINOIS,)
)
Respondents)
)
Petition for an order of the)
Illinois Commerce Commission)
authorizing the reinstallation)
of railroad tracks at grade)
crossings inventoried as)
DOT No. 062 982 V (M.P. 162.35))
at what is commonly known as)
Mulberry and Chambers Streets,)
DOT No. 062 981N (MP 162.18))
at what is commonly known as)
Main Street, and DOT No. 062 980G)
(M.P. 162.05), at what is)
commonly known as Pearl Street,)
all in Galesburg, Illinois, at)
their intersection with the main)
line tracks of BNSF Railway)
Company, and for determination)
by the Illinois Commerce)
Commission of the division of)
costs between the parties)

Chicago, Illinois

April 20, 2011

1 Met, pursuant to notice, at
2 1:30 o'clock p.m.

3
4 BEFORE:

5 MS. LATRICE KIRKLAND-MONTAQUE,
6 Administrative Law Judge

7 APPEARANCES:

8 DALEY, MOHAN & GROBLE, by
9 MR. BOB PRENDERGAST
10 55 West Monroe Street, Suite 1600
11 Chicago, Illinois
12 appearing for BNSF

13 MR. JASON JOHNSON
14 2300 South Dirksen Parkway
15 Springfield, Illinois
16 appearing for IDOT

17 MR. JOHN SALADINO
18 527 East Capitol Avenue
19 Springfield, Illinois
20 appearing for Railroad Safety
21 Section of the Illinois
22 Commerce Commission

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	EXMNR.
FRENCH	7				
THOMPSON		21			
		25			
		27			

E X H I B I T S

PETITIONER'S	FOR IDENTIFICATION	IN EVIDENCE.
Nos. 1	12	28
2	12	28
3	12	28
4	12	28

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2 JUDGE KIRKLAND-MONTAQUE: By the powers vested
3 in me by the State of Illinois and the Illinois
4 Commerce Commission, I now call Docket No. T09-0020.
5 This is in the matter of BNSF Railway Company,
6 Petitioner, vs. The State of Illinois, Department of
7 Transportation, and the City of Galesburg, Illinois.
8 And we are here on a petition to reinstall a number
9 of railroad tracks at grade crossings -- I'm sorry.
10 I'm sorry -- petition to reinstall railroad tracks
11 at grade crossings in Galesburg, Illinois.

12 May I have appearances, please,
13 starting with BNSF.

14 MR. PRENDERGAST: Good afternoon, your Honor.
15 Bob Prendergast, the law firm of Daley, Mohan &
16 Groble, 55 West Monroe Street, Suite 1600, Chicago,
17 Illinois, 60603. My phone is 312-422-0799. And
18 with me today is Mr. French Thompson and Mr. Chad
19 Shawinski (phonetic) from the BNFS.

20 JUDGE KIRKLAND-MONTAQUE: Okay. IDOT.

21 MR. JOHNSON: Good afternoon, your Honor. My
22 name is Jason Johnson, and I'm a rail safety

1 technician with IDOT, Bureau of Local Roads and
2 Streets. Address is 2300 South Dirksen Parkway,
3 Room 205, Springfield, Illinois, 62764; phone number
4 Area Code 217-557-1399.

5 JUDGE KIRKLAND-MONTAQUE: Staff.

6 MR. SALADINO: Thank you, your Honor.

7 Appearing on behalf of the Railroad
8 Safety Section of the Illinois Commerce Commission,
9 John Saladino, 527 East Capitol Avenue, Springfield,
10 Illinois, 62701; and the phone number is
11 217-785-8423.

12 JUDGE KIRKLAND-MONTAQUE: Okay. Okay. So,
13 Mr. Prentergast, I'm sorry. Are you going to
14 present witnesses today?

15 MR. PRENTERGAST: Yes, your Honor. I believe
16 just Mr. French Thompson is going to testify, but
17 Mr. Chad Shawinski (phonetic) is here in case we
18 need any additional information --

19 JUDGE KIRKLAND-MONTAQUE: Okay.

20 MR. PRENTERGAST: -- during the course of the
21 hearing.

22 JUDGE KIRKLAND-MONTAQUE: Could you please stand

1 and raise your right hand.

2 (Witness sworn.)

3 You may be seated.

4 Before we get going, has the City of
5 Galesburg filed an appearance? Are they going to be
6 present or has anyone talked to them about the
7 proceedings?

8 MR. SALADINO: Your Honor, this is John Saladino
9 in Springfield. The City of Galesburg e-mailed the
10 parties a response today and I filed it in the
11 docket about 9:30 or 10 o'clock. Basically, if you
12 want, I can read it to you.

13 JUDGE KIRKLAND-MONTAQUE: No, that's fine. If
14 it's in the record, I'll get a copy. I didn't see
15 it when I checked earlier. That's fine. Thank you.
16 I just want to make sure that they're involved here.

17 I'm sorry, Mr. Prentergast. I'll give
18 you the floor.

19 MR. PRENTERGAST: Thank you, your Honor.

20 I'd like to call French Thompson to the
21 stand.

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FRENCH THOMPSON,

3

called as a witness herein, having been first duly

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sworn, was examined and testified as follows:

5

DIRECT EXAMINATION

6

BY

7

MR. PRENTERGAST:

8

Q. Could you state your name and spell your

9

name for the record, please.

10

A. My name is French Thompson, F-r-e-n-c-h

11

T-h-o-m-p-s-o-n.

12

Q. And are you currently employed by BNSF?

13

A. Yes.

14

Q. And what's your title with them?

15

A. Manager of public projects.

16

Q. And could you tell us a little bit about

17

what the manager of public project does?

18

A. The manager of public projects serves as

19

liaison between governmental agencies and local

20

municipalities in dealing with the railroad,

21

primarily with grade crossings, and closures, and

22

overpasses, and underpasses.

1 Q. Could you give us an account of your
2 education, please?

3 A. I have a bachelor of science in civil
4 engineering from the University of Michigan, Ann
5 Arbor.

6 Q. And upon obtaining your degree in civil
7 engineering, did you go to work for the BNSF?

8 A. Yes, I did.

9 Q. Could you give us a little information about
10 the positions, and the duties, and responsibilities
11 that you had before you were manager of public
12 projects?

13 A. Prior to being manager of public projects, I
14 served as a project engineer in Kansas City, Kansas,
15 handling expansion projects, dealing with building
16 new track, new facilities, new bridges along the
17 BNSF railway. From there, I moved into a road
18 master role in Oklahoma, Oklahoma, which handled
19 maintenance of traffic facilities in and around the
20 Oklahoma City area. I then came to the Chicagoland
21 area as a project engineer similar to Kansas City
22 and then was promoted to a manager of public

1 projects.

2 Q. And has your experience involved the
3 supervision or other involvement in track, bridge,
4 and grade crossing construction?

5 A. Yes.

6 Q. And has your experience included the
7 valuation of design material and costs for those
8 type of projects?

9 A. Yes.

10 Q. Have you had involvement in a number of
11 projects that are currently ongoing in the City of
12 Galesburg, Illinois?

13 A. Yes.

14 Q. Could you tell us briefly about your
15 involvement with those projects?

16 A. There are a few projects. One is a quiet
17 zone in which the City of Galesburg would like to
18 reduce the number of train horns along one of the
19 subdivisions that pass through -- passes through
20 Galesburg. Another one is a few grade separations;
21 one on U.S. 150 West Main Street, an overpass; one
22 at Seminary Road, which is an overpass; and one at

1 East Main Street, which would be an underpass.

2 Q. Are there other projects ongoing to relieve
3 congestion in the Galesburg area that are subject of
4 an agreement with the Illinois Department of
5 Transportation?

6 A. Yes. That agreement is a congestion relief
7 agreement between BNSF Railway and the Illinois
8 Department of Transportation.

9 Q. And the project that we are here on today is
10 that one of the projects that's involved in the
11 Galesburg relief program?

12 A. Yes.

13 Q. And is the goal of that to relieve
14 congestion in the Galesburg area and allow better
15 train movements through the Galesburg area?

16 A. That's correct.

17 Q. Now the track that's involved in this
18 particular hearing is that known as the Mendota
19 Subdivision?

20 A. Yes.

21 Q. And approximately how many trains per day
22 travel over that portion of the Mendota Subdivision

1 through Galesburg?

2 A. Approximately 43 trains per day.

3 Q. And we have talked about a master agreement
4 with IDOT. Is this project involved in that master
5 agreement with IDOT to relieve the congestion in
6 Galesburg?

7 A. Yes.

8 Q. And is the project that we are here today
9 interconnected with the proposed circuitry upgrades,
10 quiet zone crossings, closures, and the grade
11 separations that you talked about earlier?

12 A. Yes, it is.

13 Q. And if a crossing closure occurs during the
14 time period of this project, is there a potential
15 for cost savings to the state that could be realized
16 if the circuitry upgrades become unnecessary because
17 of the crossing closures?

18 A. That is correct.

19 Q. Now the tracks that we are talking about
20 today involve three crossings in the City of
21 Galesburg?

22 A. Yes.

1 Q. Are they in fairly close proximity to the
2 Amtrak station there?

3 A. Yes. The first one, Mulberry Chambers
4 Crossing, is immediately adjacent to the Amtrak
5 Depot.

6 Q. And have plans been prepared by any
7 professional engineers in conjunction with this part
8 of the project?

9 A. Yes, plans have been prepared and drafted by
10 Bruner, Cooper & Zuck.

11 Q. And will you use some of these plans in the
12 exhibits for this hearing? Are there separate plans
13 for each crossing that's involved here?

14 A. Yes.

15 (Whereupon, Petitioner's
16 Exhibit Nos. 1, 2, 3 &
17 4 were marked for
18 identification.)

19 Q. I'm going to show you what's been marked as
20 Petitioner's Exhibit No. 4, which we are submitting
21 just for demonstrative purposes.

22 If you take a look at Exhibit 4 and

1 look primarily up at the upper third near where the
2 word "depot" is written --

3 A. Yes.

4 Q. -- does this Petitioner's Exhibit No. 4
5 truly and accurately portray the approximate
6 relationship of these crossings to where the Amtrak
7 depot is located?

8 A. Yes, it does.

9 Q. Now the track that the BNSF is seeking to be
10 reinstalled, what milepost does it run between?

11 A. It runs between approximately Milepost
12 159.31 to Milepost 162.55.

13 Q. And does that track that the BNSF is seeking
14 to reinstall does that begin at approximately County
15 Road 9 just outside of Galesburg?

16 A. Correct.

17 Q. And where does it end?

18 A. It ends just west of the Amtrak depot.

19 Q. Now currently are there two main lines to
20 the area?

21 A. Yes, there are.

22 Q. Would the track that the BNSF is requesting

1 permission to install would that be considered a
2 third main line through the area?

3 A. Yes, it will.

4 Q. And what's the -- what brings on the need to
5 reinstall this track?

6 A. With the agreement between BNSF and the
7 Illinois Department of Transportation, the proposed
8 third main track would ease fluidity, freight train
9 traffic, and Amtrak traffic through Galesburg pretty
10 much from Chicago to Quincy, and it will also
11 provide capacity of the Department of Transportation
12 which would like to establish two more round trips
13 daily between Chicago and Quincy.

14 Q. Now the three crossings that are the subject
15 of this hearing, does the BNSF propose to run this
16 third main line through each of those crossings?

17 A. Yes, it does.

18 Q. Now with regard to the crossing that's
19 closest to the depot, which crossing is that?

20 A. The closest one of the depots is the
21 Mulberry Chambers Crossing.

22 Q. And is that DOT No. 062982 V, as in Victor?

1 A. Yes, it is.

2 Q. And that's at approximately Milepost 162.35?

3 A. Correct.

4 Q. Have schematic plans been made by Bruner,
5 Cooper & Zuck with regard to the Mulberry Chambers
6 Crossing?

7 A. Yes, they have.

8 Q. And I ask you to take a look at Petitioner's
9 Exhibit No. 2 for identification. And is that the
10 schematic plan that was prepared by Bruner, Cooper &
11 Zuck for the Mulberry Chambers Crossing?

12 A. Yes.

13 Q. And does that plan truly and accurately
14 portray the improvements that are sought at the
15 crossing of Mulberry Chambers?

16 A. Yes.

17 Q. And actually does the tracks run right
18 through that intersection of Mulberry and Chambers?

19 A. It runs diagonal through that intersection.

20 Q. Now the next crossing going away from the
21 Amtrak depot is that the Main Street crossing?

22 A. Yes, it is Main Street.

1 Q. And is that DOT No. 062981 N, as in
2 Nancy --
3 A. That is correct.
4 Q. -- at approximately Milepost 162.18?
5 A. Correct.
6 Q. Have schematic plans been made by Bruner,
7 Cooper & Zuck for that crossing?
8 A. Yes, there have been.
9 Q. And I'm going to ask you to take a look at
10 Petitioner's Exhibit No. 1 for identification. And
11 is that the schematic plan that was done by Bruner,
12 Cooper & Zuck for the Main Street crossing?
13 A. Yes, it is.
14 Q. And does that exhibit truly and accurately
15 portray the improvements sought at the Main Street
16 crossing in Galesburg?
17 A. Yes.
18 Q. Now the next crossing going further from the
19 depot is known as Pearl Street?
20 A. That's correct.
21 Q. And is that DOT No. 062980G, as in George?
22 A. Yes.

1 Q. And is that approximately at Milepost
2 162.05?

3 A. That is correct.

4 Q. And have schematic plans been made by
5 Bruner, Cooper & Zuck for that crossing?

6 A. Yes.

7 Q. And I'm going to show you what's marked as
8 Petitioner's Exhibit No. 3 for identification. And
9 is that the schematic plans that were done by those
10 professional engineers for the Pearl Street
11 crossing?

12 A. Yes.

13 Q. And does Exhibit No. 3 truly and accurately
14 portray the improvements sought to be made by the
15 BNSF at the Pearl Street crossing?

16 A. Yes.

17 Q. And is it the plan that for each of these
18 crossings that the approximate approach will be
19 maintained after these improvements are made if
20 they're permitted?

21 A. Yes, and in accordance with the state laws
22 and regulations.

1 Q. Now with putting in this additional main
2 line, will that require some relocation of the
3 current crossing signals at these crossings?

4 A. Yes, the crossing signals will need to be
5 relocated in accordance with the project.

6 Q. And does Petitioner's Exhibits 1 through 3
7 show the existing location of the signals at each of
8 these crossings?

9 A. Yes, they do.

10 Q. And, as far as relocation, would that need
11 to occur on the side that the new track is installed
12 if approved?

13 A. Yes.

14 Q. And would those be placed at appropriate
15 locations outside of their reinstalled track per
16 governmental and industry standards?

17 A. Yes.

18 Q. Now will this project enhance public
19 convenience?

20 A. Yes, it would.

21 Q. Would it relieve congestion of the combined
22 freight and passenger traffic near the Galesburg

1 area?

2 A. Yes.

3 Q. Would it allow for increased train speed in
4 the vicinity of the Galesburg area?

5 A. That is correct.

6 Q. Would it allow for shorter occupation times
7 of crossings in the Galesburg area?

8 A. Yes.

9 Q. It will allow for expansion of passenger
10 service for Amtrak between Quincy and Chicago?

11 A. That is correct.

12 Q. And would it also allow for expansion of
13 passenger service for the people in the Galesburg
14 area?

15 A. Yes.

16 Q. Has there been funding obtained for this
17 project?

18 A. Yes, there has been.

19 Q. And is that through the master agreement
20 with IDOT?

21 A. Yes.

22 Q. And this is one of several projects that

1 are -- their goal is to achieve congestion relief in
2 the Galesburg area?

3 A. That is correct.

4 Q. Does BNFS propose that they will pay for the
5 cost of this project and seek reimbursement from
6 IDOT through the master agreement?

7 A. That's correct.

8 Q. Now, as far as the timing of the project,
9 does this project need to be accomplished in
10 conjunction with the other projects that we have
11 discussed?

12 A. Yes, it does.

13 Q. And how much time is the BNSF seeking in
14 order to complete the installation project and
15 relocate the signals?

16 A. Approximately 24 months.

17 MR. PRENDERGAST: That's all I have.

18 JUDGE KIRKLAND: Thank you.

19 Mr. Saladino, do you have questions for
20 this witness?

21 MR. SALADINO: Yes. Thank you, your Honor.

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CROSS EXAMINATION

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BY

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MR. SALADINO:

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Q. Mr. Thompson, do you know is the BNSF

6

seeking any Grade Crossing Protection Funds from the

7

Illinois Commerce Commission?

8

A. No.

9

Q. And I believe you stated there's an

10

agreement between the BNSF and IDOT.

11

A. Correct.

12

Q. Do you know if that agreement's been

13

executed?

14

A. Yes, it has been.

15

Q. Do you know approximately when it was

16

executed?

17

A. I do not know the exact date, but it was

18

executed in the month of March.

19

Q. Oh, okay. So some time in the last month or

20

two?

21

A. Correct.

22

Q. Thank you.

1 A. I think March 4th it was fully executed and
2 signed by all parties.

3 Q. Okay. And you mentioned that this
4 improvement would require relocation of these
5 signals. Is that at all three locations?

6 A. That would be at all three locations if the
7 crossings are not closed.

8 Q. Okay. And do you have a rough set of plans
9 or where these signals are going to be relocated to?

10 A. They have not been prepared yet, but they
11 would be prepared in accordance with the local and
12 state governmental laws and in consultation with the
13 Illinois Commerce Commission.

14 Q. So do you know if a Form 3 will be submitted
15 to the Commerce Commission for approval before any
16 signal work commences?

17 A. Yes, they will be submitted prior.

18 Q. And do you know the approximate timetable
19 speed of the train traffic going through these
20 locations?

21 A. I do not know off the top of my head.

22 Q. Do you know if it will be increasing or

1 decreasing due to this project?

2 A. The stated timetable speed will not increase
3 but it will allow for -- the congestion relief will
4 allow for trains to be able to flow smoother through
5 Galesburg.

6 Q. Okay. And so you have no reason to believe
7 that the traffic -- train traffic will increase in
8 speed at these three locations? If anything, the
9 speed would go down or stay the same?

10 A. I have no reason to believe that the trains
11 would increase their speed beyond the stated
12 timetable -- approved timetable speed for that
13 subdivision.

14 Q. Mr. Thompson, is this project being
15 constructed in agreement or with conjunction with
16 the City of Galesburg?

17 A. Well, the agreement is between BNSF and the
18 state, but I'm sure that the City of Galesburg is a
19 party to the construction plans that the state, and
20 the city, and BNSF has.

21 Q. So there will be some affect to the streets
22 which currently are maintained and owned by the City

1 of Galesburg; is that correct?

2 A. That is correct.

3 Q. Okay. And so BNSF will at some point have
4 an agreement, or plans, or a sign-off from the City
5 of Galesburg before you would do any work on a city
6 street?

7 A. That is correct.

8 Q. Is the City of Galesburg being asked to
9 participate financially in this project?

10 A. No, they are not.

11 Q. Okay. The crossing surfaces that will be
12 installed it looks like from your Exhibits 1, 2, and
13 3 will be concrete panels; is that correct?

14 A. That is correct.

15 Q. And the BNSF will maintain those concrete
16 panels?

17 A. Yes, they will.

18 Q. And between the eastbound main track and the
19 proposed third main track, there will be full depth
20 asphalt placed in that area; is that correct?

21 A. That is correct.

22 Q. And will that area also be maintained by the

1 BNSF?

2 A. That is correct.

3 Q. And, in addition to the crossing surface,
4 there's also sidewalks at all three crossings I
5 believe. The BNSF will be placing a crossing
6 surface material, either concrete or concrete and
7 asphalt, to maintain these sidewalks across the
8 proposed third main; is that correct?

9 A. That is correct.

10 Q. And the BNSF will maintain those crossing
11 surfaces for the pedestrians?

12 A. Yes.

13 MR. SALADINO: I think that's all I have, your
14 Honor. Thank you.

15 JUDGE KIRKLAND: Thank you.

16 Mr. Johnson, do you have questions for
17 the witness?

18 MR. JOHNSON: Just one or two, your Honor.

19 CROSS EXAMINATION

20 BY

21 MR. JOHNSON:

22 Q. Mr. Thompson, referring to the master

1 agreement that you had mentioned earlier, what's the
2 estimated work cost for this project?

3 A. The approximate cost is \$54 million.

4 Q. And, according to the master agreement, the
5 reimbursement by the state will be in what amount?

6 A. The reimbursement by the state I believe and
7 I want to -- the work shall not exceed \$45 million
8 reimbursement to the state.

9 Q. So your understanding is state reimbursement
10 shall not exceed 45 million?

11 A. That is correct.

12 Q. And at the present time is the railroad
13 asking for any additional funds from the state?

14 A. Not to my knowledge.

15 MR. JOHNSON: I think that's all I have, your
16 Honor.

17 JUDGE KIRKLAND-MONTAQUE: Thank you.

18 Any follow-up, Mr. Prentergast?

19 MR. PRENTERGAST: Yes, Judge. I just had one or
20 two.

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CROSS EXAMINATION

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BY

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MR. PRENTERGAST:

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Q. With regard to the master agreement and the

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numbers that were discussed, that includes this

7

project and the other Galesburg relief projects?

8

A. Yes.

9

Q. Okay. Not all that money is just going

10

towards adding the additional track?

11

A. No. No.

12

MR. JOHNSON: That's all I have. Thank you.

13

JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

14

Do you have anything further,

15

Mr. Prentergast?

16

MR. PRENTERGAST: I move to admit Petitioner's 1

17

through 3 into evidence and Petitioner's No. 4 just

18

for demonstrative purposes into evidence.

19

JUDGE KIRKLAND-MONTAQUE: Okay. Any objection?

20

MR. SALADINO: No. No. No, your Honor.

21

MR. JOHNSON: No, your Honor.

22

JUDGE KIRKLAND-MONTAQUE: Petitioner's Exhibits 1

1 through 3 are admitted, as well as Exhibit 4 are
2 admitted into evidence.

3 (Whereupon, Petitioner's
4 Exhibit Nos. 1 thru 4
5 were received in
6 evidence.)

7 MR. PRENTERGAST: That's all we have, so we
8 would rest.

9 JUDGE KIRKLAND: Okay. Mr. Saladino, is there
10 anything that you would like to present today?

11 MR. SALADINO: No, your Honor.

12 JUDGE KIRKLAND: Can you give me staff's position
13 on this project?

14 MR. SALADINO: Sure. Your Honor, staff would
15 support the Commission issuing an order allowing the
16 BNSF to establish a third main track across the East
17 Main Street, the Mulberry Chambers Street, and North
18 Pearl Street crossings.

19 Staff believes BNSF and their
20 statements that the addition of this third main
21 track will improve convenience and safety for the
22 motoring public in Galesburg. It will also enhance

1 and expand the passenger service from Galesburg to
2 other various cities, and we would be in full
3 support of this project.

4 JUDGE KIRKLAND-MONTAQUE: Thank you.

5 Mr. Johnson, is there anything that you
6 want to add to the record?

7 MR. JOHNSON: No, your Honor. We have no further
8 statements to add, other than we -- for IDOT we
9 would confer with ICC staff's statements that we
10 recommend and approve of the project.

11 JUDGE KIRKLAND-MONTAQUE: Okay. You support the
12 project, too?

13 MR. JOHNSON: Yes.

14 JUDGE KIRKLAND-MONTAQUE: Okay. Sounds good.
15 Well, I will mark this heard and taken and ask, as
16 usual, that the petitioner work with staff to file a
17 draft agreed order circulated obviously amongst all
18 the parties and get that to me in order format, and
19 I will get it to the bench shortly thereafter and
20 make sure that the City of Galesburg's position is
21 recorded on the record as well.

22 MR. PRENTERGAST: Okay.

1 JUDGE KIRKLAND-MONTAQUE: Thank you.

2 MR. PRENTERGAST: Thank you, your Honor.

3 HEARD AND TAKEN.

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